

able to locate another radio station, WVOS, Monticello, there was no indication at that location that it also served as the main studio for WXTM. I inquired at the local post office to find out if they knew where WXTM was located, but was unsuccessful. I then called directory assistance and was given a telephone number for WXTM. When I called that number, the call was answered "Jukebox Radio." The person who answered the telephone provided me with directions to the studios of WXTM. Pursuant to standard investigative procedures, I did not, at that time, identify myself over the telephone as a member of the FCC's staff. It was not until I arrived at the studios of WVOS that I identified myself as an FCC field inspector.

I arrived at WXTM around 10 a.m. and observed a few people at that location. I may have incidentally spoken to the board operator on the air at that time. There was no receptionist for WXTM. Finally someone came over to ask what I wanted. At that time, I identified myself as an FCC field inspector. Eventually, I was directed to Gene Blabey, who represented WXTM. Blabey confirmed that WXTM's studios were located at that site. I asked for information concerning WXTM. Blabey responded that there was not much to show me, as most of WXTM's affairs were handled at the Dumont studios for Jukebox Radio. He also stated that all program logs for WXTM were kept in Dumont. Blabey offered to show me WXTM's public file, but I declined. Blabey provided me with a copy of a network agreement between WXTM and Jukebox Radio. I also asked to see the WXTM studios and Blabey escorted me to what he described as a former production room for WVOS that he identified as the studios for WXTM. I saw some equipment, including a control board, some tape machines, and a microphone. I did not see any EBS equipment. I asked Blabey if there

was equipment to control the WXTM transmitter from that location and was informed by Blabey that there was none. I asked Blabey if WXTM ever originated programming from that site. Blabey stated that WXTM did not originate programming for broadcast from that location. I also asked if WXTM could originate programming from that site and deliver it to the transmitter for broadcast. Blabey informed me that it could not be done remotely without first going to and adjusting equipment at the transmitter site.

During this investigation, I briefly spoke with Carol Montana, another WXTM employee regarding her duties at WXTM, the substance of which is recounted in the Radio Station Inspection Report I prepared. Blabey also informed me that there were no other WXTM employees at that location.

During the course of this investigation, Blabey informed me that Turro was on the telephone and wished to speak with me. I then spoke to Turro by telephone. Turro identified himself as the Chief Operator for WXTM. Turro asked me what I was doing there, and I responded that I was conducting a routine inspection. I asked Turro where the remote control equipment and station logs for WXTM were located, and Turro replied that both were at the Jukebox Radio studios in Dumont.

I then informed Turro that I wanted to visit the WXTM transmitter that day. Turro stated that I should drive to the transmitter site for WXTM with Blabey. I also informed Turro that I was going to Dumont the next morning to test whether the Ft. Lee and Pomona translators were receiving the over-the-air-signal of WXTM by switching the WXTM transmitter on and off and listening to the translators. Turro told me that because the WXTM transmitter was recently hit by lightning, he preferred that the transmitter be turned on and off

by an experienced engineer at the transmitter rather than by remote control. Blabey stated that he would arrange for someone to be posted at the transmitter site, and he gave me the telephone number at the transmitter site.

Blabey and I drove to the WXTM transmitter site in my car. At the transmitter site, I looked at the transmitter and observed equipment for remote control operation of the transmitter. I then drove Blabey back to Ferndale. I dropped him off about mid-afternoon. I did not take any breaks during this time period.

April 14, 1995: I drove an FCC vehicle equipped with Mobile Automatic Direction Finding equipment to a location on Route 9 in New Jersey, where both the Pomona and Ft. Lee translator signals could be received. On a cellular telephone in the Commission vehicle, I then called the telephone number for the WXTM transmitter site provided to me by Blabey the day before. I do not know who answered the telephone. I identified myself to the person who answered the telephone, and asked whether he was ready to begin testing. When instructed to "kill it," referring to turning the transmitter off, I monitored two receivers, one for each translator, which each produced "white noise" on the translators' frequencies. I was unable to determine whether the Monticello transmitter was actually turned off, but the white noise I heard on the translators' frequencies was consistent with the WXTM transmitter being turned off and a resulting in the loss of that over-the-air signal by the translators. As I got the expected results from the transmitter shut-off, I conducted this test once.

The fact that this test was disclosed to Blabey and Turro before it was conducted is consistent with sound investigative techniques employed by the field staff. The results of

such testing are used as a frame of reference for later unannounced monitoring to determine any variations in operation. These procedures are consistent with investigative techniques used by the FCC field staff.

After the conclusion of this testing, I went to the Dumont studios of Jukebox Radio. I observed many employees at that studio and was shown the premises by station personnel, although I do not recall any specific name. At my request, I was shown the remote control equipment for WXTM, but I did not inspect or test that equipment.

May 15, 1995: Without any prior warning to either WXTM (hereinafter WJUX)² or Jukebox Radio personnel, I drove to the apartment building where the Ft. Lee translator broadcasting equipment is located. Using a signal generator set at the frequencies of WJUX (99.7 MHz), the Pomona translator (94.3 MHz) and the Inter-City Relay Station WMG-499 (95.1 MHz), I attempted to determine whether the Ft. Lee translator was rebroadcasting the signal of Station WJUX, the Pomona translator or Inter-City Relay WMG-499. This test involves generating a signal on a frequency that would override another weaker or more distant signal on the same frequency. I first generated a signal on 99.7 MHz, determined that there was a negative result (*i.e.*, the generated signal was not overriding any other signal on that frequency), and thus concluded that there was no signal from WJUX being rebroadcast by the Ft. Lee translator. I then generated a signal on 94.3 MHz, determined that there was a negative result (*i.e.*, the generated signal was not overriding any other signal on that frequency), and thus concluded that there was no signal from the Pomona translator being rebroadcast by the Ft. Lee

² On April 15, 1995, the call sign for WJUX changed to WJUX.

translator. Had the Ft. Lee translator been receiving the WJUX or W232AL (Pomona) off-air signals, the signal generator would have disrupted those signals. The fact that neither signal was disrupted indicated that Ft. Lee was not receiving those off-air signals. I then generated a signal on 951 MHz and determined that there was a positive result (*i.e.*, the generated signal was overriding another signal on that frequency). I thus concluded that the Ft. Lee translator was receiving and rebroadcasting its radio frequency signal from the Inter-City Relay Station, WMG-499, located in Dumont. This Inter-City Relay Station is associated with WNJW, Franklin Lakes, N.J.

July 31, 1995: On June 6, 1995, Turro was directed by the FCC to terminate his operation of WMG-499. See Attachment A to Turro's July 27, 1995, response to the Bureau's Letter of Inquiry. At the telephonic request of Steve Lynn of the Commission's Wireless Telecommunications Bureau to my supervisor, I returned to Dumont with a multi-band communications receiver, and was able to determine that the inter-city relay station had been turned off. I spoke to no one during this monitoring.

I then returned to my office and reduced my observations to an e-mail which was directed to both the Wireless Telecommunications and Mass Media Bureau personnel, a copy of which is disclosed herein. There are no other written records of this investigation.

August 2, 1995: I called Turro and informed him that I wished to inspect the Ft. Lee and Pomona translators. I met Turro at the Ft. Lee translator. I inspected the W276AQ equipment, did not observe any remote control equipment, and found a high-quality Sony car

radio tuned to the Pomona translator's frequency, which audio was being fed into the transmitter. Turro and I then drove to the Pomona facility, where I found essentially the same equipment (with the car radio tuned to WXTM's frequency) and high-quality filters which were installed to receive a better signal quality from the Monticello station.

I then returned to my office and reduced my observations to an e-mail which was directed to both the Wireless Telecommunications and Mass Media Bureau personnel, a copy of which is disclosed herein. There are no other written records of this investigation.³

June 4, 1997: The signals of both the Ft. Lee and Pomona translator stations were monitored at the telephonic request of Stephen Barone and/or Alan Aronowitz of the Mass Media Bureau, who asked me to monitor those signals if I was in the area. On June 4, 1997, again employing a signal generator set to the frequency of the station being tested and monitoring the output, I was able to determine that the Pomona station was receiving the signal of the WJUX, and that the Ft. Lee translator station was receiving the signal of the Pomona translator station. I monitored the Ft. Lee station from atop the roof of the building where the transmitting equipment is located (access gained by building personnel after identifying myself as an FCC field engineer), and the Pomona station from the street adjacent to the property where that equipment is located. I did not physically inspect either translator facility at this time. I took no notes during this monitoring and I reported my findings by telephone to

³ The July 31 and August 2, 1995, inspections were taken at the request and for the benefit of the Wireless Telecommunications Bureau with regard to Inter-City Relay Station WMG-499. I have no personal knowledge whether the results of those inspections were used by the Mass Media Bureau in the preparation of the HDO in this proceeding.

either Barone or Aronowitz.

Interrogatory 32: See interrogatory 31.

Interrogatory 33: See interrogatory 31.

Interrogatory 34: See interrogatory 31.

Interrogatory 34: See interrogatory 31.

Interrogatory 35: See interrogatory 31.

Interrogatory 36: See interrogatory 31.

Interrogatory 37: See interrogatory 31.

Interrogatory 38: See interrogatory 31.

Interrogatory 39: See interrogatory 31.

Interrogatory 40: See interrogatory 31.

Interrogatory 41: See interrogatory 31.

Interrogatory 42: I am not aware of any other staff member of the FCC with personal knowledge of any investigation or testing related to the Proceeding. Information relating to any knowledge that is not first-hand is irrelevant to this proceeding.

Interrogatory 43: All communications, either oral or written, between myself and any other members of the FCC's staff are described and identified in interrogatory 31. I had no communications, either written or oral, with Universal Broadcasting of New York, Inc. and/or any of its employees or representatives.

Interrogatory 44: See interrogatory 31.

Interrogatory 45: The audio quality of the Ft. Lee translator appeared to have sufficient immediacy to preclude its passage through several additional electronic stages.

Simple aural evaluation was used to reach this conclusion.

Interrogatory 46: Based on my listening to the signals in both April and July of 1995, the quality of the signal that I listened to in July was much better than the signal I listened to in April. The noise level of the July signal was noticeably reduced, and had greater immediacy in audio quality than that of the April signal I listened to.

Interrogatory 47: (a) A list of equipment at each translator was not made.

(b) Not applicable.

(c) I asked Turro to demonstrate off-air reception of the Pomona translator by the Ft. Lee translator. Turro demonstrated reception of the Pomona translator by the Ft. Lee translator by momentarily deactivating the receiver and observing a loss of audio at the output.

(d) I did not ask Turro to demonstrate reception of the Monticello station by the Ft. Lee translator while at the Ft. Lee translator that day. Turro offered to so demonstrate and purported to do so by listening to the Monticello signal on a receiver and antenna independent of the translator. We both observed that the resulting signal was of poor audio quality (*i.e.*, sound that has numerous and recognizable discontinuities, and is quite objectionable to listen to). Turro then stated that he intended to further improve reception of the Monticello signal by the Ft. Lee translator by adding additional equipment (such as a new antenna), implying to me that this was a work in progress.

(e) I do not specifically recall Turro making such a demonstration.

(f) Both locations had cavity-type filters.

Interrogatory 48: Sound that has recognizable discontinuities, but is not objectionable to listen to.

Interrogatory 49: Sound that has very few recognizable discontinuities, and is certainly not objectionable.

Interrogatory 50: Sound that has recognizable discontinuities, and may be objectionable to listen to.

Interrogatory 51: (a) The Ft. Lee translator had sound with sideband splatter (*i.e.*, the noise heard when tuned away from the center of an FM signal) from WBAI, which would occur if a receiver was tuned to 99.7 MHz, the Pomona translator.

(b) Similar sound as that from the Ft. Lee translator, but with more immediacy.

(c) Operating power was not specifically measured.

(d) A list of equipment was not made.

(e) See interrogatory 31.

Interrogatory 52: (a) Monitoring occurred while driving to the Ft. Lee translator from Manhattan, and in the parking lot of the apartment building in which the translator equipment is installed.

(b) See interrogatory 49.

(c) Signals were transmitted by a Hewlett-Packard signal generator with random length wire, unknown power level.

(d) Top of the stairs leading to the roof.

(e) Random length wire.

(f) Essentially vertical with some horizontal component.

Interrogatory 53: No.

Interrogatory 54: See interrogatory 31.

Interrogatory 55: I did not obtain written statements from Luna or Gaghan.

Interrogatory 56: See interrogatory 55.

Interrogatory 57: I had no communications with representatives or employees of Universal Broadcasting of New York, Inc.

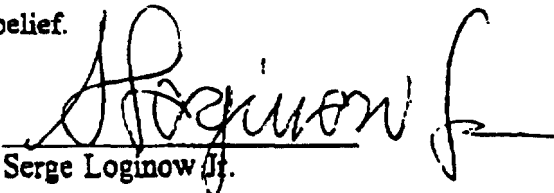
Interrogatory 58: I have not obtained statements, either written or oral, from potential witnesses other than those described in interrogatory 31.⁴

Interrogatory 59: I do not recall expressing that particular view. I do recall that during the ride in which Turro and I were in Turro's car, Turro asked me how the inspections were going. I responded to the effect that everything that I inspected that day seemed OK, but that, ultimately, all matters would be resolved by personnel in Washington. I did state to Turro that an unauthorized transfer or a relinquishment of control of a broadcast station is considered to be a very serious offense by the Commission.

Interrogatory 60: See interrogatory 31.

Interrogatory 61: The document speaks for itself. I have no personal knowledge concerning the preparation of the HDO.

I, Serge Loginow, Jr., hereby swear under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge and belief.


Serge Loginow Jr.

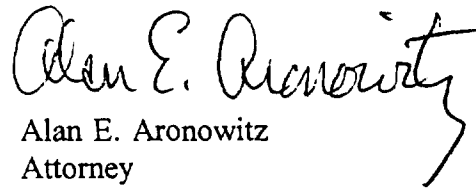
⁴ Consistent with footnote 1, *supra*, Mr. Loginow cannot answer the interrogatory for other members of the Commission's staff. However, statements obtained by the Mass Media Bureau have been disclosed to the parties.

Respectfully submitted,

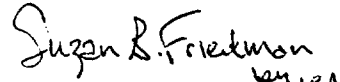
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Chief, Mass Media Bureau



Norman Goldstein
Chief, Complaints & Political
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August 20, 1997

ATTACHMENT

From: Serge Loginow
To: SLINN,SBARONE
Date: 8/1/95 12:09pm
Subject: Gerald Turro Update

Gerald Turro Update

On site monitoring in area of Jukebox Radio studio in Dumont NJ on July 31, 1995. The STL (WMG499) was not observed to be in operation on 951.00 MHz, or any frequency near 951.00 MHz.

The audio quality of the Fort Lee NJ translator signal, however, indicated that the input signal was NOT off air from the Pomona NY translator on 94.3 MHz as licensee Gerald Turro claims, but rather from alternate means, presumably via telephone lines. (The audio quality of Fort Lee via off air means had been observed during April 1995 when WXTM Monticello NY and Jukebox Radio was inspected.)

From: Serge Loginow Jr
To: fobmail:oadal5:PCUNIX:CAD:CONV:B4.B4:SBARONE
Date: 8/4/95 9:46am
Subject: Gerald Turro Update # 2

On site monitoring in area of the Fort Lee NJ translator on August 2, 1995. The audio quality appeared to be very high. It was particularly free of sideband splatter from adjacent FM stations as was observed previously. Telephoned Turro and asked for an inspection of the Fort Lee translator. He replied no problem, he can be there in about twenty minutes. Turro arrived and demonstrated off air reception of the Pomona NY translator (94.3 MHz) by deactivating the receiver and observing the loss of audio output from the translator. He then offered to make a similar demonstration at the Pomona NY translator with the engineer. Turro and Loginow went to Pomona NY. The output of the translator there was deactivated and again the Fort Lee translator was observed to lose audio output. Turro had installed additional filters at Pomona to greatly improve the reception of WJUX Monticello NY.

It appears that Turro is now able to provide a consistent high quality audio signal off air from the Pomona NY translator at the Fort Lee NJ location.

Furthermore, while at Fort Lee, Turro demonstrated the ability to receive moderately good audio directly from WJUX Monticello (99.7 MHz). Again, he was using filters similar to those he installed at Pomona NY. Turro said he plans to fine tune the equipment to further improve the Monticello signal quality and then permanently connect it as part of the translator station.

Serge

CERTIFICATE OF SERVICE

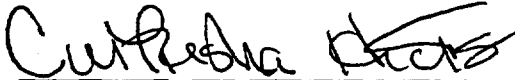
CurTrisha Hicks, a secretary in the Enforcement Division, Mass Media Bureau, certifies that she has on this 20th day of August 1997, sent by U.S. mail, U.S. Government frank, copies of the foregoing "Answers of Serge Loginow, Jr. and the Mass Media Bureau to Interrogatories of Gerard A. Turro" to:

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CurTrisha Hicks

TURRO EXHIBIT NO. 26

Turro Hearing Block
9/5/97 Bureau Admissions to Turro

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re)	
)	
GERARD A. TURRO)	MM Docket No. 97-122
)	
For Renewal of License)	File Nos. BRFT-970129YC
for FM Translator Stations)	BRFT-970129YD
)	
)	
W276AQ(FM), Fort Lee, NJ, and)	
W232AL(FM), Pomona, NY)	
)	
MONTICELLO MOUNTAINTOP)	
BROADCASTING, INC.)	
)	
Order to Show Cause Why the Construction)	
Permit for FM Radio Station WJUX(FM),)	
Monticello, NY, Should Not Be Revoked)	
)	
To: Gerard A. Turro		

RESPONSE OF MASS MEDIA BUREAU TO GERARD A. TURRO'S
REQUEST FOR ADMISSIONS OF FACT AND
GENUINENESS OF DOCUMENTS

On August 8, 1997, Gerard A. Turro ("Turro") by his attorneys, submitted to the Mass Media Bureau ("Bureau") a Request for Admissions of Fact and Genuineness of Documents. The Bureau, by counsel, responds herein.¹ Each of the Bureau's responses is numbered to correspond to the number of Turro's requests as filed. However, the Bureau's staff has no first-hand personal knowledge regarding the investigations, testing or observations of Serge Loginow, Jr. ("Loginow"), a member of the Commission's Compliance and Information

¹ See Memorandum Opinion and Order in MM Docket No. 97-122, FCC 97M-143, released August 27, 1997.

Bureau ("CIB"). Nevertheless, in order to facilitate the most complete responses, the Bureau's responses relating to Loginow are based on the disclosures contained in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, which are based on Loginow's personal knowledge.

Responses

1. Admit.
2. Admit.
3. Admit. All investigations and/or testing and/or observations made by Loginow known to the Bureau are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.
4. Admit.
5. Admit.
6. Deny. Loginow made no observations regarding WMG-499 on April 13 and/or 14, 1997. Loginow's observations regarding the operation of WMG-499, made on May 15, 1997, as well as all investigations and/or testing and/or observations made by Mr. Loginow known to the Bureau, are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.
7. Deny. Loginow did not test or conclude whether the Ft. Lee translator was receiving the signal of the Pomona translator "directly through space" on April 13 or 14, 1995. He was able to determine that when the Monticello transmitter was apparently turned off, neither translator broadcast the over-the-air signal of the Monticello station.

8. Deny. See response 7.

9. Deny. See response 7.

10. Deny. The statements with regard to the observations of Loginow on April 13 and/or 14 contained in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, and the assertions contained in paragraphs 7 and/or 8 of the *HDO* speak for themselves. As previously disclosed and described, non-compliance was found on other occasions.

11. Deny. As recounted in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, Loginow did not personally observe that the Monticello station was operating at reduced power. Rather, Turro stated to Loginow that the Monticello station was operating at reduced power.

12. Neither admit nor deny. The Bureau admits that, generally, the operation of any broadcast station at reduced power could affect the quality of the reception of that signal. The Bureau is unable to respond to alleged facts beyond its knowledge concerning the operation of the Monticello station on April 13 and/or 14, 1995.

13. See response 12.

14. Admit, to the extent described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997. However, it is unknown to the Bureau whether Loginow was on the top floor of the building.

15. Admit, to the extent described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

16. Unknown to the Bureau. The "specific" location of the Ft. Lee translator's

equipment on May 15, 1995, was not relevant to the testing conducted and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

17. See response 16.

18. Admit, to the extent described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

19. Admit, to the extent described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

20. Unknown to the Bureau. Any conclusions formed by Loginow regarding the operation of the Ft. Lee station based on his observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

21. Unknown to the Bureau. Any conclusions formed by Loginow regarding the operation of the Ft. Lee station based on his observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

22. Unknown to the Bureau. Any conclusions formed by Loginow regarding the operation of the Ft. Lee station based on his observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

23. Unknown to the Bureau. Any conclusions formed by Loginow regarding the operation of the Ft. Lee station based on his observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

24. Unknown to the Bureau. Any conclusions formed by Loginow regarding the operation of the Ft. Lee station based on his observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

25. Admit, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, with respect to Loginow's observations on August 2, 1995.

26. Admit, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, with respect to Loginow's observations on August 2, 1995.

27. Unknown to the Bureau. Any conclusions formed by Loginow regarding the operation of the Ft. Lee station based on his observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, with respect to Loginow's observations on August 2, 1995.

28. Unknown to the Bureau. It appears that Loginow did not form any specific conclusions regarding the cooperation of Mr. Turro. Loginow's observations are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, with respect to Loginow's observations on August 2, 1995.

29. Admit, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

30. Admit, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, with respect to Loginow's observations on August 2, 1995.

31. Admit, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

32. Neither admit nor deny. The Bureau has no such first-hand knowledge. The

Bureau has no knowledge whether Loginow has such knowledge.

33. (a) Admit, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, with respect to Loginow's observations on August 2, 1995.

(b) Deny, to the extent disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, wherein in Loginow reports that on August 2, 1995, Turro demonstrated the ability to receive the signal of the Monticello station at the Ft. Lee translator with filters similar to those installed at the Pomona station.

34. Neither admit nor deny. Loginow's observations regarding the equipment he saw at the Pomona and Ft. Lee translators on August 2, 1995, are disclosed and described in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997. It is unclear what is meant by "program delivery mechanism" in this context. Loginow did observe a receiver in Ft. Lee tuned to the Pomona frequency and a receiver in Pomona tuned to the Monticello facility. However, it appears that Loginow did not test whether the Ft. Lee translator received Jukebox Radio programming off the air from the Pomona translator and that the Pomona translator received Jukebox Radio programming off the air from the Monticello station, and he made no conclusions in that regard.

35. Deny. Loginow did not test whether the Ft. Lee translator was receiving the signal of the Pomona translator "directly through space," and he made no conclusions in that regard. Loginow did observe a receiver in Ft. Lee tuned to the Pomona frequency.

36. Deny. Loginow did not test whether the Pomona translator was receiving the signal of the Ft. Lee translator "directly through space," and he made no conclusions in that

regard. Loginow did observe a receiver in Pomona tuned to the Monticello station.

37. Deny. Loginow did not test that the Ft. Lee and Pomona translators were operating in compliance with Section 74.1231(b) of the Commission's Rules, and he made no conclusions in that regard. Loginow did observe a receiver in Ft. Lee tuned to the Pomona frequency and a receiver in Pomona tuned to the Monticello facility.

38. Deny. The statements with regard to the observations of Loginow on August 2, 1995, contained in the Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997, and the assertions contained in paragraphs 7 and/or 8 of the *HDO* speak for themselves. As previously disclosed and described, non-compliance was found on other occasions.

39. Admit, to the extent that the November 19, 1991, letter speaks for itself. However, the subject letter is not relevant to the issues in this proceeding. *See HDO*, FCC 97-137, n. 13 (1997).

40. Admit. However, the subject letter is not relevant to the issues in this proceeding. *See HDO*, *See HDO*, FCC 97-137, n. 13 (1997).

41. Admit.

42. Admit.

43. Admit.

44. (a)-(d) Admit, to the extent that the *HDO* speaks for itself.

45. (a)-(d) Neither admit nor deny. The *HDO* speaks for itself. Loginow's inspections of April 13 and 14, 1995, were known to the Bureau and contributed to the allegations as set forth in the *HDO*. Loginow's activities on July 31 and August 2, 1995,

were not relied upon in the allegations set forth in the *HDO*.

46. Unknown to the Bureau. However, it appears that Loginow made no notes during the course of his activities on August 2, 1995, as set forth in Answers of Loginow to Turro's Interrogatories, submitted on August 20, 1997.

47. Neither admit nor deny. Universal's complaint contained allegations substantially the same violations set forth in the *HDO*, as well as other alleged violations not included in the *HDO*. The complaint, previously disclosed to the parties by the Bureau, speaks for itself.

48. Neither admit nor deny. Universal requested that its identity be kept confidential. Consistent with standard practice, Turro was not initially provided a copy of the complaint when it was filed. However, Turro was on notice of a complaint on June 21, 1995.

49. See response 48.

50. Admit, to the extent that the Commission generally relies on the public and licensees to bring to our attention information concerning possible violation(s) of Commission rules and policies.

51. Neither admit nor deny. The letter of inquiry dated June 21, 1995, was prompted by Universal's complaint as well as Loginow's inspections.

52. Neither admit nor deny. Universal's complaint, Loginow's inspections, the responses to the letters of inquiry directed to Turro and MMBI, and the staff's conclusions based thereon, caused the Commission to direct Turro to divest himself of either his ownership interests in the Ft. Lee and Pomona translator stations or terminate his relationship with WJUX.

53. Deny. Turro was on notice of a complaint on June 21, 1995. See response 48.

54. Neither admit nor deny. The allegations in Universal's complaint prompted the Commission to commence the investigations conducted in this Proceeding. See response 50. Thus, Universal's complaint contributed to the decision to conduct the initial investigations of WJUX, the translators and the Dumont facilities of Jukebox Radio. The results of those investigations, in turn, contributed to the decision to issue the letters of inquiry to Turro and MMBI. The responses to the letters of inquiry directed to Turro and MMBI, and the staff's conclusions based thereon, contributed to the commencement of this proceeding.

55. Deny. Universal's complaint, Loginow's inspections, the responses to the letters of inquiry directed to Turro and MMBI, and the staff's conclusions based thereon, caused the Commission to draft and release the *HDO*. Thus, the Commission did not rely solely on Universal's complaint in drafting and releasing the *HDO*.

56. Deny. Subsequent to the filing of its complaint, Universal directed the statements of Vincent Luna and William Gaghan to the Commission's staff. Universal also submitted allegations and/or information related to Turro's attempt to assign or transfer the translator station licenses.

57. See response 56.

58. Neither admit nor deny. Not relevant to this proceeding. Moreover, the propounded admission call for a speculative conclusion that the Bureau cannot make.

59. See response 58.

60. See response 58.

61. Admit, to the extent that the Commission did not provide copies of those